IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO.184 OF 2006

Mrs.Leelawati Tukaram Shinde ...Petitioner

Versus

Pune Municipal Corporation & Ors. ...Respondents

.....

Mr.Prathamesh B.Bhorgude i/b Mr.S.B.Deshmukh for Petitioner.

Mr.V.G.Mujumdar for Respondents.

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CORAM: A.M.KHANWILKAR, J.

FEBRUARY 9, 2007.

P.C.

1. Perused the pleadings.

2. After hearing Counsel for the parties, I am inclined to dismiss this Petition, as the same is completely misplaced. The order in question was passed by the Division Bench of this Court on 7th March 2006. Pursuant to the said order, the Corporation has already decided the pending Representation on 23rd March 2006. It is only

after taking that decision, the Corporation proceeded to take action in respect of the subject structures. Thus understood, it is not a case of disobedience, much less, willful disobedience of the directions issued by this Court.

3. Counsel for the Petitioner made an attempt to persuade this Court that there is injunction against the Corporation to forebear from taking coercive action of removal of the structures in question. This submission proceeds on misreading of Para 3 of the order dated 7th March 2006. By that order all that the Corporation was required to comply was to consider the Representation within four weeks from the date of the order and till the Representation was decided one way or the other, no coercive action was to be taken against the suit structures. That direction has been fully complied by the Corporation.

4. Accordingly, this Petition is dismissed. Notices issued to Respondents stand discharged.

A.M.KHANWILKAR, J.